

Minutes
ARIZONA STATE BOARD OF TECHNICAL REGISTRATION
1110 West Washington, Conference Room #240
Phoenix, AZ 85007

Tuesday, July 22, 2014

9:00 a.m.

OPEN SESSION

1. **CALL TO ORDER** – 9:00 AM

2. **ROLL CALL** – Board Members in attendance: Edward T. Marley, LeRoy Brady, Douglas T. Whitneybell, Stuart R. Lane, Douglas Folk, Jason K. Madison. Alejandro Angel, Robert M. Stanley, Stephen Noel. Staff: Melissa Cornelius, Patrice Pritzl, Lorraine Brown, Douglas Parlin, and Michelle Johnson. Assistant Attorney General: Jeanne Galvin

3. **CALL TO THE PUBLIC** – Keith Smith of Inspection Training of Arizona addressed the Board with regard to the application process. Mr. Smith stated the application process for Home Inspectors seemed to be slowing down due to the fingerprint process and asked the Board about the procedures. Mr. Smith also expressed concern that applications sent back for corrections slows the process and asked if a conditional license could be granted.

The Board's newest Geologist member, Stephen Noel, was introduced.

4. **ADOPTION OF MINUTES**

Review, Consideration, and Possible Action on the following:

- A. Approve, modify, and/or reject May 27, 2014 Board meeting minutes.
Dr. Angel moved to approve the minutes as amended. Mr. Lane seconded. No further discussion; motion carried.

- B. Approve, modify, and/or reject May 27, 2014 Executive Session minutes.
Mr. Folk moved to approve the minutes as amended. Mr. Lane seconded. No further discussion; motion carried.

- C. Approve, modify, and/or reject June 24, 2014 Board Meeting minutes.
Mr. Folk moved to approve the minutes as amended. Mr. Lane seconded. No further discussion; motion carried.

- D. Approve, modify, and/or reject June 24, 2014 Executive Session minutes.
Mr. Lane moved to approve the minutes as amended. Mr. Folk seconded. No further discussion; motion carried.

5. FORMAL HEARINGS:

Discussion, Consideration and Possible Vote on the following:
Time Specific 9:30 a.m.

Appeals of Board Decisions to Deny Alarm Agent Certifications:

A. Boggs, Steven, Alarm Agent Application # 140605 (Time Specific 9:30 a.m.)
Mr. Steven Boggs failed to appear for a formal hearing. The Board called the matter at 9:58 AM. Mr. Brady moved to uphold the decision to deny Mr. Boggs's application. Mr. Lane seconded. No further discussion; motion carried.

- B. Parich, Larry, Alarm Agent Application # 132717
C. Smith, Richard, Alarm Agent Application # 140076
D. Page, James, Alarm Agent Application # 132482

The Board noted that the above applicants for items 5.B, 5.C, and 5.D had withdrawn their requests for hearings regarding the denials of their application for alarm agent certification.

6. ENFORCEMENT MATTERS

Review, Consideration and Possible Vote on the following:

A. Complaints Proposed for Resolution by Dismissal:

1. HI14-061, William C. Cox, CHI #38468
2. P14-044, Ron D. Mazzeo, Architect #22978

Dr. Angel moved to approve the proposed consent agenda and dismiss complaints A1-A2. Mr. Madison seconded the motion. No further discussion; motion carried.

B. Complaints Proposed for Resolution by Letters of Concern:

1. P14-088, Peter Koliopoulos, Architect #35690

Mr. Folk recused himself, citing a conflict of interest. Mr. Madison moved to issue a Letter of Concern regarding Mr. Koliopoulos' failure to pay his collaborating professionals until this complaint was filed. Mr. Stanley seconded the motion. No further discussion; motion carried.

C. Complaints Proposed for Resolution by Consent Agreement:

1. M12-030, Terry L. Yarborough, RLS #49098

Mr. Lane moved to approve the Respondent's signed consent agreement.

Mr. Madison seconded the motion. No further discussion; motion carried

2. P14-055, Chris R. Young, P.E. (Civil) #37328

Dr. Angel moved to amend the current consent agreement, the new agreement to include the same penalty fees and a Letter of Reprimand. Mr. Stanley seconded the motion. Mr. Folk and Mr. Madison opposed. No further discussion; motion carried.

3. P14-056, Johnathan Powell, P.E. (Structural) #53783

Dr. Angel moved to amend the current consent agreement and proposed to remove the costs of the investigation. Mr. Whitneybell seconded the motion. No further discussion; motion carried.

4. P14-058, Mark Brownell and J. R. Tuttle Co., Non-Registrant

Mr. Marley recused himself. Mr. Stanley moved to amend the current consent agreement and proposed civil penalties of \$4000.00, that the respondent pays the costs of the investigation in the amount of \$322, refer this matter to the Attorney General's office for criminal prosecution and refer this matter to the Register of Contractors. Mr. Lane seconded the motion. No further discussion; motion carried.

5. P14-080, Inspectorate of Tucson, Non-Registrant Firm

Dr. Angel moved to accept the proposed consent agreement. Mr. Stanley seconded the motion. No further discussion; motion carried.

6. P14-083, Stephen P. Maslan, P.E. (Civil) #31790 (Time specific 10:00 a.m.)

Mr. Maslan addressed the Board via a telephone conference call. He stated he had accepted and signed the consent agreement. Dr. Angel moved to accept the consent agreement as signed. Mr. Lane seconded the motion. No further discussion, motion passed.

D. Complaints Requiring Board Guidance:

1. M12-069, Dennis Flahart, Non-Registrant principal for DAF Enterprises, Non-Registrant Firm

Mr. Lane moved to offer Mr. Flahart one more opportunity to enter into a Consent Agreement and proceed to a formal hearing if he fails to enter into the agreement within 21 days. After discussion, Mr. Lane withdrew the motion. Mr. Lane moved to forward this complaint to a formal hearing. Mr. Whitneybell seconded the motion. No further discussion; motion carried.

E. Review and Approval for Appointment of EAC members:

1. John P. Coffman, P.E. (Electrical) #32856

Mr. Stanley moved to accept Mr. Coffman's application for the EAC. Mr. Lane seconded the motion. No further discussion; motion carried.

7. LICENSING MATTERS

Discussion, Consideration, and Action on:

A. Ballantyne, Thomas, Architect Application # 130466

Mr. Folk moved that based on the additional information received on record and on the advice of counsel, to ratify and affirm the Board's prior actions with respect to the application. Mr. Lane seconded the motion. Mr. Whitneybell opposed. No further discussion; motion carried.

8. LICENSING CONSENT AGENDA

A. Review, Consideration, and Action on the Evaluation Committee and Staff Recommendations for the following:

1. Granting professional registrations, certifications or in-training designations pursuant to A.R.S. §§ 32-122.01, 32-123;
2. Granting approval to applicants to sit for the professional or in-training examinations pursuant to A.R.S. § 32-122;
3. Granting professional registrations to those applicants possessing NCARB Blue and Green Cover or NCEES Model Law Engineer certifications, pursuant to A.R.S. § 32-122.01, and § 32-123;
4. Granting professional registrations, certifications or in-training designations or authorizations to test to those applicants who disclosed minor criminal history that has no reasonable relationship to the applicant's proposed area of practice or who disclosed lesser disciplinary action taken against their registrations in other jurisdictions, pursuant to A.R.S. §§32-122, 32-122.01 and § 32-123;
5. Administratively closing professional or in-training applications pursuant to A.R.S. §§ 32-122, 32-122.01(A); A.A.C. R4-30-204(E);
6. Deny Certification to Alarm Controlling Persons and Alarm Agents pursuant to A.R.S. § 32-122.07;
7. Cancellation of registrations and certifications that have been expired for one full renewal period.
8. List of Alarm firm and Alarm Agent certifications granted by the Executive Director pursuant to A.R.S. § 32-122.05 and A.R.S. § 32-122.06.

Mr. Marley explained that the law regarding Alarm applications would be amended on July 24, 2014. Mr. Brady moved to table the 8.A.6 matters until the August 2014 meeting. Mr. Stanley seconded the motion. No further discussion; motion carried.

Mr. Whitneybell moved to approve consent agenda items 8.A.1 – 8.A.5 and, also items 8.A.7 and 8.A.8 . Mr. Lane seconded the motion. No further discussion; motion carried.

9. POLICY MATTERS

Review, Consideration, and Possible Action on the following:

A. NCARB's Proposed Changes to IDP/BEA/BEFA Programs.

Mr. Marley suggested no action be taken at this time. He suggested that the members forward their comments to Mrs. Cornelius to be reviewed and discussed at the Board's next Meeting. No further discussion.

B. Election of a New Board Secretary.

Mr. Stanley moved to nominate Mr. Brady to serve as the Board's secretary. Mr. Noel seconded the motion. No further discussion; motion carried.

C. The Identification of Board Statutes to be considered for amendment in a possible Board Sponsored Omnibus Bill for the next Legislative Session.

The Board reviewed statutes that it may seek to revise. Suggestions and possible revisions will be reviewed by the L&R Committee in August.

D. Topics for the Agenda for the Upcoming Legislation and Rules Committee Meeting scheduled for August 7, 2014.

Mrs. Cornelius reported that invitations were sent out to Stakeholders to attend the meeting. Mr. Brady was appointed as the Landscape Architect Representative of this committee.

E. The "CMAR" design, bidding and construction process and whether it may significantly change the responsibility, authority, and method of work between contractors and Board registrants.

Mr. Brady provided a handout with regard to Jobs Ordering Contracting and Construction Manager at Risk. He stated this is becoming common practice for the state and local governments. Mr. Brady further stated that it would be beneficial to review this issue to protect the health, safety, and welfare of the public.

10. DIRECTOR'S REPORT

A. Budget Update

Mrs. Cornelius stated that 100% of the FY14 budget year has elapsed; 85% of our appropriation and 91% of our revenue had been spent. The 13th month figures are not included in this percentage.

B. Staff Update

Liliana Ruiz has joined our staff as a “floater” to work as a Customer Service Representative.

C. Previous Meeting Follow-Up

SQL Update: Microsoft updates to our SQL will be completed.

5 Year Rules Review: GRRC passed the Board’s 5-year Rule Review. The AIT designation has been sunsetted. Mrs. Cornelius stated that the Board will close old AIT applications and a letter has been sent to those who applied for the designation in the past three years informing them that the designation has been discontinued. They were encouraged to apply for an architect registration and offered the opportunity to have the \$40 AIT fee applied to the professional application.

AG ISA: Mrs. Cornelius and Ms. Pritzl met with Mr. John Tellier, the Section Chief of the Licensing Enforcement Section, on July 10, 2014, to discuss the ISA for FY15 with the AG’s Office.

Mrs. Cornelius reported that Enforcement is currently working 100 open cases. They continue to monitor 29 drug labs and 11 cases from our Enforcement Section were forwarded to the AG’s Office for action. They remain pending.

11. BOARD CHAIR’S REPORT

Mr. Marley thanked Mr. Whitneybell for his 3 years of service. Mr. Marley will be attending the NCARB BEA Committee Meeting. As a WCARB committee member, he will be producing a video of notable Western area architecture for the upcoming meeting in Long Beach, California.

12. STANDING COMMITTEE REPORTS

- A. Legislation and Rules Committee – Next meeting Thursday, August 7, 2014
- B. Home Inspector Rules and Standards Committee – Nothing to report.
- C. Environmental Remediation Rules and Standards Committee – Nothing to report.

13. BOARD MEMBER REPORTS ON OUTSIDE ACTIVITIES

- A. National Council of Examiners for Engineering and Surveying (“NCEES”) – A meeting is scheduled for in Seattle, Washington in August 2014.
- B. National Council of Architectural Registration Boards (“NCARB”) – Nothing new to report.

- C. Council of Landscape Architectural Registration Boards (“CLARB”) – Nothing new to report.
- D. National Association of State Boards of Geology (“ASBOG”) – Meeting scheduled in November in Indianapolis.
- E. Public Member News/Information – Nothing to new report.

14. **FUTURE BOARD MEETINGS** – Tuesday, August 26, 2014 at 9:00 a.m.

15. **SUGGESTED TOPICS FOR FUTURE MEETING AGENDAS.** – The Board plans to discuss IDP and NCARB changes.

16. **MEETING ADJOURNMENT** – 12:14 p.m.

Ed Marley, Chairman

Melissa Cornelius, Executive Director